

## REMARKS

### Status of the Claims

- Claims 3, 5, 7 and 8 are pending in this Application after entry of this amendment.
- Claims 3, 5, 7 and 8 are amended by this response. Support for the amendments to the claims may be found in the originally filed claims. No new matter is added by these amendments.
- Claims 1, 4, 6, 9 and 10 are cancelled by this response. Claim 2 was previously cancelled.

### Allowable Subject Matter

Claims 3, 5 and 7 are objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 3 has been amended to include the features of independent claim 1. Claim 5 has been amended to include the features independent claim 1 and dependent claim 4. Claim 7 has been amended to include the features independent claim 1 and dependent claim 6. Additionally, claims 1, 4, 6, 9 and 10 are cancelled by this response. Therefore, it is respectfully submitted that claims 3, 5 and 7 are patentable for the reasons stated on pages 7 and 8 of the Office Action.

### Claim Rejections Pursuant to 35 U.S.C. §103

Claims 1 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Application No. WO 02/33902 to Straub et al. (Straub) in view of U.S. Patent No. 6,160,796 to Zou, and in further view of US Patent No. 7,505,455 to Goodwin et al. (Goodwin). Applicant respectfully traverses the rejection.

The failure of an asserted combination to teach or suggest each and every feature of a claim remains fatal to an obviousness rejection under 35 U.S.C. § 103. Section 2143.03 of

the MPEP requires the “consideration” of every claim feature in an obviousness determination. To render a claim unpatentable, however, the Office must do more than merely “consider” each and every feature for this claim. Instead, the asserted combination of the patents must also teach or suggest *each and every claim feature*. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art). Indeed, as the Board of Patent Appeals and Interferences has recently confirmed, a proper obviousness determination requires that an Examiner make “a searching comparison of the claimed invention - *including all its limitations* - with the teaching of the prior art.” See *In re Wada and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Independent claim 1 has been cancelled and the features therein have been incorporated into dependent claim 3 which has been indicated as allowable. Specically, as admitted in the Office Action, the combination of Zou, Goodwin and Straub does not teach or suggest the selective transmission of reset messages based on a network trend, such as the number of network nodes increasing. Thus, it is respectfully submitted that, since the combination of Straub, Zou, and Goodwin does not teach or suggest all of the elements of amended independent claim 3, then the combination of Straub, Zou, and Goodwin cannot render obvious amended independent claim 3 under 35 USC §103(a). Thus, claim 3 is patentably distinct from the cited combination. Consequently, withdrawal of the rejection under 35 USC 103(a) is requested.

Claim 8 is dependent on claim 3 which has been indicated as allowable if rewritten in independent. Claim 3 has been amended in accordance with the suggestion of the Examiner to include the features of independent claim 1. Therefore, claim 8 is considered patentable as per MPEP §2143.03.

Claims 9 and 10 are cancelled by this response and therefore the Rejection under 35 USC 103(a) is rendered moot.

**Claim Rejections Pursuant to 35 U.S.C. §103**

Claims 4 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Application No. WO 02/33902 to Straub et al. (Straub), in view of U.S. Patent No. 6,160,796 to Zou, in view of US Patent No. 7,505,455 to Goodwin et al. (Goodwin), and in further view of US Pat 6,466,549 to Hattig. Applicant respectfully traverses the rejection.

Claims 4 and 6 have been cancelled by this response and therefore the rejection under 35 USC 103(a) is rendered moot. Consequently, withdrawal of the rejection under 35 USC 103(a) is requested.

**Conclusion**

Applicant respectfully submits that the amended pending claims patentably define over the cited art and respectfully requests reconsideration and withdrawal of all rejections of the pending claims based on the amendments and arguments above.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefore.

Respectfully submitted,  
Burklin, et al.

Date: February 18, 2011

/Jerome G. Schaefer/

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